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Office Memorandum • UNITED STATES GOVERNMENT

STATINTL

TO : Chief, Personnel Studies & Procedures

DATE: 4 March 1952

FROM :

SUBJECT: Employment of consultants, part-time employees, etc.

OGC Has Reviewed

1. Consultants. A consultant has been defined as, "an individual with special skills, knowledge or experience, whose advice, assistance and guidance are needed and furnished on an intermittent or temporary basis. For clarification purposes there are two types: (1) an individual appointed in true name, and (2) an individual under contract in pseudonym (Confidential Funds Regulations Section 5.1(c)). It is further provided in C.F.R. Section 5.7a(2) that, "an intermittent consultant may be appointed or contracted with for a fixed or indefinite period, but in no case shall an appointment extend beyond the last day of the fiscal year in which appointed. He may be compensated at a rate not in excess of \$50 per day. He may serve only on a truly intermittent basis for short, irregular periods always less than one calendar month at any one time. He is entitled to travel expenses when traveling between his home or place of business and Washington or other place of duty, and to per diem in lieu of subsistence, including Saturdays, Sundays, and holidays, when away from his place of business or residence on official duty for the Agency. He may not perform supervisory or administrative functions. He does not accrue sick and annual leave, does not participate in the Retirement System, and is not covered by Social Security. Should an intermittent consultant serve continually for one calendar month or more, he becomes, for certain purposes, a temporary employee. As such, he loses the right to travel at Government expense to and from his home or place of business to his place of duty and to per diem expense while serving at his place of duty; and he must repay such monies as he may have already received for such travel and per diem as an intermittent consultant for the calendar month immediately preceding. As a temporary employee he may become entitled to sick and annual leave and come under the coverage of Social Security." The procedure for employment of consultants, as set forth in Section of CIA Regulations, states, among other provisions, that a roster of all consultants employed by CIA will be maintained by the Personnel Director and that he will be advised, by the office employing the consultant, of each impending visit of the consultant to the departmental area, giving the time and dates.

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2. Part-time employees. Part-time employees are those regularly employed on a pre-arranged schedule, whose hours or days of work are less than the prescribed hours or days of work for full-time employees in the same group or class. (Federal Personnel Manual, Section RL-32). These employees are expressly excluded from the Retirement Act by Executive Order 9154 of May 1, 1942. They are, however, eligible for such employee benefits as: annual and sick leave, Civil Service Retirement, Social Security, and similar plans. Some Government agencies and departments frown on the employment of individuals on a part-time basis, but there is no written provision in CIA Regulations against such employment. The Comptroller General has recognized such employment and 11 C.G. 362

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states that the instrument of appointment of part-time employees should specify (1) the service required, (2) the grade and salary rate fixed administratively for a similar full-time position, and (3) the actual amount of salary the part-time employee is to receive. This decision also provides that, "the compensation of a part-time employee regularly employed throughout the year or for substantial periods should be computed by multiplying the salary rate per annum fixed administratively for a similar full-time position by the fraction of time actually employed."

3. Temporary employees. It is provided in Section 2.114 of the Civil Service Regulations that when there is work of a temporary character, at the completion of which the services of an additional employee will not be required, a temporary appointment for job employment may be made for a period not to exceed one year.

4. Leave without pay. This is a temporary non-pay status and absence from duty granted upon the request of the employees. It does not include time spent in military service, or non-pay status on days for which the employee would be compensated on an overtime basis (F.P.M., R1-12). The authorization of leave without pay is a matter of administrative discretion. An employee cannot demand it as a matter of right, except disabled veterans who are entitled to leave without pay for medical treatment under Executive Order 5396. The Federal Personnel Manual states in Section 11-9 that, "Each request for leave without pay should be examined closely to assure that the value to the Government or the serious needs of the employee are sufficient to offset the costs and administrative inconveniences to the Government which result from the retention of an employee in a leave-without-pay status...". There is no maximum prescribed by law or general regulation on the amount of leave without pay which may be granted, but the Civil Service Commission has endorsed the recommendation of the Federal Personnel Council that it should not be authorized initially for any period in excess of 12 months, and that renewals for any like or shorter period should be scrutinized, even more carefully than the original grant, for adherence to the criteria outlined above (F.P.M. 11-10).

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